

## REMARKS

The application has been amended to address the cited informalities, to distinguish the claimed invention over the cited prior art, and to place the application into a *prima facie* condition for allowance. Substantial care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

Claims 1, 3 - 5, 7, 8, 16 - 18 and 21 have been rejected under 35 USC 102(b) as being anticipated by *Dreyer et al.*, US 4,474,205. Claims 2, 6, and 14 - 15 have been rejected under 35 USC 103(a) as being unpatentable over *Dreyer et al.* in view of *Clark et al.*, US 3,178,779. Claims 10 - 11 have been rejected under 35 USC 103(a) as being unpatentable over *Dreyer et al.* in view of Machine Design, "Fluoroelastomer extends pump applications". Claims 12 - 13 have been rejected under 35 USC 103(a) as being unpatentable over *Dreyer et al.* in view of *Ryder, Jr.*, US 4,381,985. Claim 20 has been rejected under 35 USC 103(a) as being unpatentable over *Dreyer et al.* in view of *Luffel et al.*, US 6,622,366. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims.

Applicant respectfully submits that the Examiner has still not addressed the clear functional and structural distinctions between the claimed invention as disclosed in Applicant's application, and the structure and mode of operation of the apparatus of the cited *Dryer et al.* '205 reference.

Accordingly, Applicant has amended independent claims 1 and 4 to unambiguously recited that the seal membrane will collapse and move away from the damper blade only when a suction is applied to the air chamber.

It is beyond argument that in the *Dryer et al.* '205 reference (which is clearly directed to the exact same blade damper and seal construction disclosed in the *Dryer et al.* '472 reference discussed in the instant application), the seal membrane must initially be inflated to a pressure within the air chamber that is **greater than ambient** (i.e., to have a **positive** pressure gradient, from the interior of the seal membrane relative to the surrounding air), in order for the seal membrane to inflate and to create a seal against a blade plate. See, e.g., col. 4, lines 3 - 21. Thus, if the mechanism supplying

the positive (greater than ambient) pressure to the chamber in the seal membrane fails (such as by a simple puncture, to decrease to merely ambient pressure), the seal fails and moves away from the blade plate (under its own weight), leading to leaking of the combustion gases.

Applicant's invention is configured in part (as expressly set forth in the specification as filed) to address this issue by providing a seal membrane which, unless a suction is applied to the air chamber, the seal membrane will bear against the blade plate, to create a seal against the blade plate 16.

In view of the foregoing, Applicant respectfully submits and reiterates that not only does the *Dreyer et al.* reference completely fail to teach or suggest Applicant's invention of amended claims 1 and 4, but also that it may not be combined with any other reference to do so, as that would be against the express teachings of the reference, which not only fails to teach the removal of a negative pressure, but also expressly teaches the application of a positive air pressure differential to reinflate the sealing ring. As such, Applicant submits that independent claims 1 and 4 patentably define over the cited *Dreyer et al.* '205 reference and should be allowed.

Applicant accordingly respectfully submits that the Examiner's substantive bases for rejection of independent claims 1 and 4 should be deemed overcome, and reconsideration and withdrawal of the rejections of claims 1 and 4 are respectfully solicited.

Inasmuch as dependent claims 2, 3, 5 - 8, 10 - 18 and 20 - 21 merely serve to further define the subject matter of amended independent claims 1 and 4, which themselves should be deemed patentable, Applicant respectfully submits that dependent claims 2, 3, 5 - 8, 10 - 18 and 20 - 21 likewise should be deemed to patentably distinguish over the cited prior art. Reconsideration and withdrawal of the rejection of dependent claims 2, 3, 5 - 8, 10 - 18 and 20 - 21, and allowance thereof are respectfully solicited.

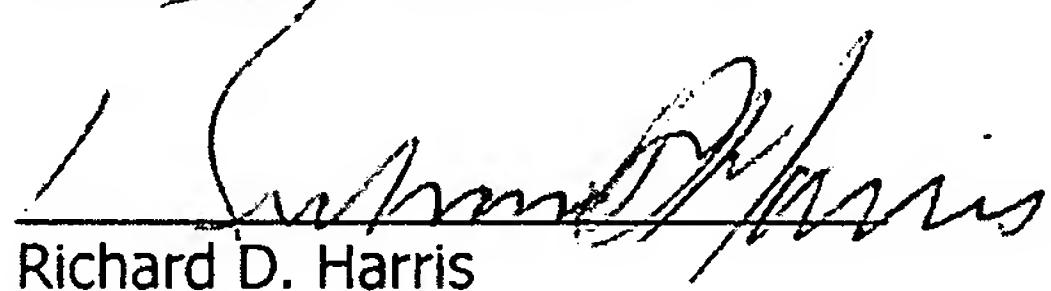
Applicant submits that the application, as a whole, is in a *prima facie* condition for allowance at this time, and reconsideration and allowance of the application, are accordingly, respectfully solicited.

Applicant respectfully requests the opportunity to discuss the invention and the *Dreyer et al.* reference with the examiner, in a telephonic interview, **prior to the issuance of any further office actions**, should the examiner continue to be of the opinion that the *Dreyer et al.* reference is still relevant to a rejection under either 35 U.S.C. §102(b) or 35 U.S.C. §103(a) -- and to obviate the need for consideration of appellate procedure to address the clear distinctions between the prior art and Applicant's invention.

Should anything further be required, a telephone call to the undersigned, at (312) 456-8400, is respectfully invited.

Respectfully submitted,

GREENBERG TRAURIG, LLP

  
Richard D. Harris

One of Attorneys for Applicant

Dated: October 31, 2007

**Certificate of Electronic Mailing (37 CFR. § 1.8)**

I hereby certify that this correspondence is being deposited electronically with the United States Patent and Trademark Office addressed to: Director of the U.S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on **October 31, 2007**.

Typed or printed name of person signing this certificate:

Douglas B. Teaney

Signature:

